

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 92-023-R - ORDER NO. 94-175 ✓

MARCH 1, 1994

|   |   |              |
|---|---|--------------|
| IN RE: Application of South Carolina Electric | ) | ORDER        |
| & Gas Company for Adjustments in the          | ) | RESTORING    |
| Company's Coach Fares and Charges,            | ) | ATE STUDY    |
| Routes, and Route Schedules.                  | ) | AND ADOPTING |
|   | ) | AGREEMENT    |

This matter comes before the Public Service Commission of South Carolina (the Commission) on the January 4, 1994 oral arguments in the South Carolina Electric & Gas Company (SCE&G or the Company) transit case.

On December 20, 1993, this Commission issued its Order No. 93-1148, ruling on a show cause proceeding held on October 6 and 7, 1993. That Order granted certain Motions to Strike propounded by Dr. John Ruoff of South Carolina Fair Share, and further, granted SCE&G's Motion to withdraw the ATE consultant's reports in this case. Because of its concern for the future of the transit system, however, the Commission ordered oral arguments on the transit case so that further matters could be presented to the Commission for its consideration.

On January 4, 1994, oral arguments were held. Belton T. Zeigler, Esquire, argued for SCE&G; Robert Guild, Esquire, argued for the Intervenor, Women's Shelter, Columbia Council of

Neighborhoods, et. al.; Carl F. McIntosh, Esquire, argued for the Intervenor, South Carolina Department of Consumer Affairs; Thomas Ellenburg, Esquire, argued for the Intervenor, City of Columbia; and the Protestant, Eunice McAlister, also made a presentation.

During the course of the oral arguments, Attorney Robert Guild moved that the Commission reinstate the ATE Columbia and Charleston reports subject to the stricken material pursuant to Dr. Ruoff's Motion, or in the alternative, to reinstate the studies, including the previously stricken material. Also during arguments, Attorney Zeigler argued that there was merit in the ATE reports, contrary to the Company's position in its prior Motion to withdraw said studies. Upon consideration of this matter, the Commission hereby grants Guild's Motion to reinstate the ATE Columbia and Charleston studies into the evidence, including the stricken material. The Commission will take this material for what it's worth in the course of this proceeding.

Further, the Commission notes that in Order No. 93-1148, the Commission held that a ruling on the admissibility of Hearing Exhibit No. 11 presented during the October 6 and 7 hearing was unnecessary, since that particular document came from the work papers of the consultant obtained during the process of the studies, which were withdrawn by the Company. The Commission has re-examined this matter, and believes that the objection to the admissibility of Hearing Exhibit No. 11 should be overruled, and that that material shall also be taken for what it's worth during the course of this proceeding by the Commission.

Subsequent to the time of the oral arguments, the parties in this case, except for Ms. Mamie Jackson, entered into an agreement in this matter. The stated purpose of the Agreement, which is hereto attached as Exhibit A, was to settle the differences between the parties solely in this show cause proceeding. The Agreement was based on the report of Maxine Marshall, Consultant for ATE Management and Service Company, Inc., to which this Order previously referred. Under the terms of the agreement, SCE&G will implement Marshall's Tier I recommendations for the City of Columbia with two exceptions (all route changes to begin July 2, 1994). First, the Company will not implement the extension of service and expansion of service hours on the St. Andrews Road route, including the extension of service to Columbiana Center Mall. Second, the Company will not cease operations at 10:00 p.m., as was previously proposed in Marshall's Tier I study. Third, SCE&G will not implement the Columbia Tier II recommendations. Fourth, the parties, except for Ms. Jackson, agree that the decision on recommendations relating to the City of Charleston should be held in abeyance at this time. Fifth, the parties, except for Ms. Jackson, agree that SCE&G will implement Marshall's recommendations regarding passenger amenities. The signatory parties recognized that certain amenities are dependent upon federal funds, however, and that lack of said funds may make it impossible for SCE&G to implement all amenities recommend by Ms. Marshall. Also, SCE&G, under the Agreement, is encouraged to cooperate with the City of Columbia in the implementation of the

proposed downtown and Five Points loop routes. Lastly, the signatory parties included certain non-waiver language.

The Commission believes that this Agreement is fair and equitable to all and hereby adopts it as the Order of this Commission. The Commission believes that this is a reasonable compromise, which fairly settles the differences between the parties in the Rule to Show Cause portion of this proceeding as mandated by Order No. 92-781 in this Docket.

During the discussion of the Agreement, the issue of notice to riders of route deletions and changes was raised. We hold that proper notice must be given to affected riders by the Company in advance of the route deletions and changes encompassed by this Agreement and Order. Affected riders must be given an opportunity to voice any concerns that they may have with the deletions and changes.

IT IS THEREFORE ORDERED THAT:

1. The ATE Columbia and Charleston studies are hereby reinstated into the record of this case, including the formerly stricken material.
2. Hearing Exhibit No. 11 from the hearing of October 6 and 7, 1993 is hereby accepted into the evidence.
3. The Commission hereby adopts the Agreement of February 24, 1994, attached hereto as Appendix A, as the Order of this Commission.
4. Affected riders must be given proper notice in advance of route deletions and changes encompassed by the Agreement and

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this Order.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
VICE Chairman

ATTEST:

  
Executive Director

(SEAL)

AGREEMENT

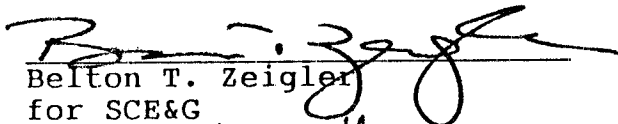
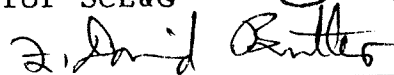
South Carolina Electric and Gas Company (SCE&G or the Company), the Women's Shelter, et. al. (the Intervenors), the South Carolina Department of Consumer Affairs, and the Staff of the Public Service Commission of South Carolina (the Staff) have reached an agreement which would settle the differences between the parties solely in the show cause proceeding mandated by Order No. 92-781 in Docket No. 92-023-R. The agreement is based on the report of Maxine Marshall, consultant for ATE Management and Service Company, Inc. The terms of the agreement are as follows:

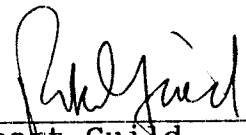
1. SCE&G will implement Marshall's Tier I recommendations for the City of Columbia with the following exceptions (all route changes to begin July 2, 1994):
  - a. The extension of service and expansion of service hours on the St. Andrews Road route, including the extension of service to Columbiana Center Mall.
  - b. The cessation of operations at 10:00 p.m.
2. SCE&G will not implement the Columbia Tier II recommendations.
3. The decision on recommendations related to the City of Charleston will be held in abeyance at this time.
4. SCE&G will implement Marshall's recommendations regarding passenger amenities. The parties recognize that certain amenities are dependent on Federal funds, however, and that lack of said funds may make it impossible for SCE&G to implement all amenities recommended by Marshall.

5. SCE&G is encouraged to cooperate with the City of Columbia in the implementation of the proposed downtown and Five Points loop routes.

6. None of the matters contained herein shall constitute waiver or abandonment of any issue pending in any judicial action, nor shall it preclude any party from raising any issue in future judicial actions.

Dated this 24th day of February, 1994

  
Belton T. Zeigler  
for SCE&G  
  
F. David Butler  
for the Commission Staff

  
Robert Guild  
for the Intervenors

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Carl F. McIntosh  
for the South Carolina  
Department of Consumer Affairs

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Attorney  
City of Columbia

APPENDIX A  
DOCKET NO. 92-023-R  
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5. SCE&G is encouraged to cooperate with the City of Columbia in the implementation of the proposed downtown and Five Points loop routes.

6. None of the matters contained herein shall constitute waiver or abandonment of any issue pending in any judicial action, nor shall it preclude any party from raising any issue in future judicial actions.

Dated this 24th day of February, 1994

Belton T. Zeigler  
for SCE&G

F. David Butler  
for the Commission Staff

Robert Guild  
for the Intervenor

Carl F. McIntosh  
for the South Carolina  
Department of Consumer Affairs

Attorney  
City of Columbia



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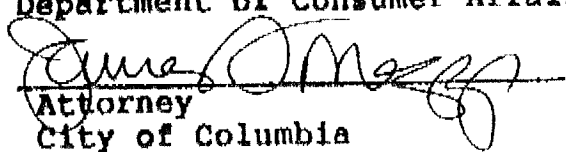
6. None of the matters contained herein shall constitute waiver or abandonment of any issue pending in any judicial action, nor shall it preclude any party from raising any issue in future judicial actions.

Dated this 24th day of February, 1994

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